

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,

v.

Action No. 3:14-CR-12-JRS

ROBERT F. MCDONNELL, et al.,

Defendants.

**INTERVENER'S OMNIBUS MOTION
CONCERNING OUTSTANDING SEALING ISSUES**

Intervenor WP Company LLC, d/b/a *The Washington Post* (the "*Post*"), by counsel, pursuant to Local Rule 49(E) of the Local Criminal Rules for the Eastern District of Virginia, hereby moves for omnibus relief concerning outstanding issues that relate to the public's access to judicial records and proceedings:

1. Completed juror questionnaires – On September 2, 2014, the Court ruled that the temporary sealing of the completed juror questionnaires was necessary to protect Defendants' Sixth Amendment right to a fair trial. The jury issued its verdict, and the trial ended, on September 4, 2014. The completed juror questionnaires, however, have not yet been disclosed. Accordingly, the *Post* requests that the questionnaires be made available to the public as soon as possible.

2. Defendants' motions to unseal portions of the record – pleadings available to the public indicate that Defendants have moved to unseal certain portions of the record, though the motions to unseal themselves apparently were filed under seal and not registered on the public docket. The United States filed its response to the motions to unseal on November 4, 2014, but the motions have not yet been adjudicated. Pursuant to *Co. Doe v. Pub. Citizen*, 749 F.3d 246 (4th Cir. 2014), in particular the Fourth Circuit's admonition that sealing

motions be acted upon “expeditiously,” *id.* at 272-273, the *Post* requests that the Court schedule a prompt hearing on the motions to unseal so that the matter may be resolved as soon as possible.

3. The United States’ “mystery” motion – according to Docket Entry No. 554, on November 3, 2014, the United States filed a “Sealed Motion with Memorandum in Support by USA as to” both Defendants. As the docket entry indicates, the motion and memorandum were filed under seal, and the docket entry gives no indication as to the record(s) or information sought to be sealed. On November 10, 2014, the Court granted to the motion to seal. The Court’s order, like the motion, is itself under seal. The *Post* requests that the Court enter an order that: (i) vacates its order granting the United States’ motion to seal; and (ii) directs the parties to file supplemental pleadings providing information sufficient for the public, including the *Post*, to evaluate the need to oppose the motion to seal.

The bases for the *Post*’s motion are set forth in the supporting memorandum filed contemporaneously herewith.

CONCLUSION

The Washington Post respectfully requests that its motion be granted; that the Court order the relief requested herein; and that it be awarded any additional relief that the Court deems fair and just.

Date: December 30, 2014.

Respectfully submitted,

WP COMPANY LLC

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Craig T. Merritt

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